

**DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION
CLAIMING BENEFIT OF PROVISIONAL APPLICATION(S)**

Atty. Docket No. CCF-5519-NP1

As a below inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **APPARATUS AND METHOD FOR ASSESSING LOADS ON ADJACENT BONES**, the specification of which:

(check one) ☐ is attached hereto.

☒ was filed on August 24, 2001

as Application Serial No. 09/939,331

and was amended on _____

(if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim priority benefits under Title 35, United States Code, §119 of any provisional application(s) listed below and have also identified below any provisional application(s) having a filing date before that of the application on which priority is claimed:

Prior Provisional Application(s):

60/228,166

(Number)

August 25, 2000

(Day/Month/Year Filed)

Priority Claimed

☒ Yes ☐ No

☐ Yes ☐ No

(Number)

(Day/Month/Year Filed)

I hereby claim the benefit under United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Serial No.)

(Filing Date)

(Status-patented, pending, abandoned)

(Application Serial No.)

(Filing Date)

(Status-patented, pending, abandoned)

Power of Attorney: As a named inventor, I hereby appoint the following attorneys: Thomas L. Tarolli, Reg. No. 20,177; Robert B. Sundheim, Reg. No. 20,127; Calvin G. Covell, Reg. No. 24,042; Barry L. Tummino, Reg. No. 29,709; Paul E. Szabo, Reg. No. 30,429; James L. Tarolli, Reg. No. 36,029; Richard S. Wesorick, Reg. No. 40,871; and Mark G. Bloom, Reg. No. 35,068, each with full powers of substitution and revocation to prosecute this application and transact all business in the United States Patent and Trademark Office connected therewith.

SEND CORRESPONDENCE TO:

TAROLLI, SUNDHEIM, COVELL, TUMMINO & SZABO L.L.P.
11111 LEADER BLDG., 526 SUPERIOR AVENUE
CLEVELAND, OHIO 44114-1400

DIRECT TELEPHONE CALLS TO:

RICHARD S. WESORICK, (216) 621-2234

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

1) Full name of sole or first inventor SHUVO ROY

Inventor's signature Shuvo Roy

Residence CLEVELAND, OHIO

Post Office Address 12000 FAIRHILL ROAD, #323, CLEVELAND, OHIO 44120

Date OCT. 12 - 2001

Citizenship BANGLADESH

County CUYAHOGA

2) Full name of second inventor AARON J. FLEISCHMAN

Inventor's signature Aaron J. Fleischman

Residence UNIVERSITY HEIGHTS, OHIO

Post Office Address 2439 MILTON ROAD, UNIVERSITY HEIGHTS, OHIO 44118

Date 10/16-10/1

Citizenship U.S.A.

County CUYAHOGA

- 3) Full name third inventor EDWARD C. BENZEL
- Inventor's signature *Edward C Benzel* Date 10/30/01
Residence GATES MILLS, OHIO Citizenship U.S.A.
Post Office Address 700 CHAGRIN RIVER ROAD, GATES MILLS, OHIO 44040 County CUYAHOGA
- 4) Full name third inventor LISA FERRARA
- Inventor's signature *Lisa Ferrara* Date 10/26/01
Residence CLEVELAND HEIGHTS, OHIO Citizenship U.S.A.
Post Office Address 3840 KIRKWOOD ROAD, CLEVELAND HEIGHTS, OHIO 44121 County CUYAHOGA



UNITED STATES
PATENT AND
TRADEMARK OFFICE

ENTERED
ASSIGNMENT
RSU

FEBRUARY 28, 2002

TAROLLI, SUNDHEIM, COVELL ET AL
RICHARD S. WESORICK
1111 LEADER BUILDING
526 SUPERIOR AVENUE
CLEVELAND, OHIO 44114-1400

RECEIVED

MAR 05 2002

TAROLLI, SUNDHEIM, COVELL, TURMANO & ...

Chief Information Officer
Washington, DC 20231
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UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 01/04/2002

REEL/FRAME: 012429/0427
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:
ROY, SHUVO

DOC DATE: 08/30/2001

ASSIGNOR:
FLEISCHMAN, AARON J.

DOC DATE: 08/30/2001

ASSIGNOR:
BENZEL, EDWARD C.

DOC DATE: 08/30/2001

ASSIGNOR:
FERRARA, LISA

DOC DATE: 08/30/2001

ASSIGNEE:
CLEVELAND CLINIC FOUNDATION, THE
9500 EUCLID AVENUE
CLEVELAND, OHIO 44195

SERIAL NUMBER: 09939331
PATENT NUMBER:

FILING DATE: 08/24/2001
ISSUE DATE:

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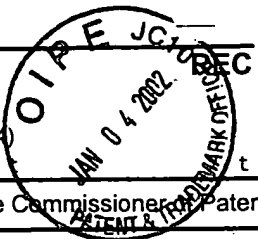
012429/0427 PAGE 2

MARY BENTON, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

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FORM PTO-1595
(Rev. 6-97)

OMB No. 0651-0011 (exp. 4/94)
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01-10-2002



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U.S. Department of Commerce
Patent and Trademark Office

OUR FILE CCF-5519NP1

tt

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):
Shuvo Roy; Aaron J. Fleischman;
Edward C. Benzel; and Lisa Ferrara

1.4.02

Additional name(s) of conveying party(ies) attached ☐ Yes ☒ No

3. Nature of conveyance:

- ☒ Assignment ☐ Merger
☐ Security Agreement ☐ Change of Name
☐ Other _____

Execution Date: August 30, 2001

2. Name and address of receiving party(ies)

Name: The Cleveland Clinic Foundation

Internal Address: _____

Street Address: 9500 Euclid Avenue

City: Cleveland State: OH Zip: 44195

Additional name(s) and address(es) attached? ☐ Yes ☒ No

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is _____

A. Patent Application No.: 09/939,331, filed August 24, 2001

B. Patent No.(s) _____

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom
correspondence concerning document
should be mailed:

Name: Richard S. Wesorick

Internal Address: Tarolli, Sundheim, Covell,

Tummino & Szabo L.L.P.

1111 Leader Building

Street Address: 526 Superior Avenue

City: Cleveland State: Ohio Zip: 44114-1400

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41).....\$40.00

- ☒ Enclosed
☐ Authorized to be charged to deposit account.

8. Deposit Account No.

20-0090

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Richard S. Wesorick
Name of Person Signing
Reg. No. 40,871

[Signature]
Signature

11/8/01
Date

Total number of pages including cover sheet, attachments, and document: 4

01/09/2002 BABRAHA1 00000020 09939331

01 FC:581

40.00 Mail Documents to be recorded with required cover sheet information to:
Commissioner of Patents & Trademarks, Box Assignments
Washington D.C. 20231

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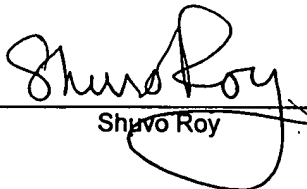
ASSIGNMENT

WHEREAS, we, Shuvo Roy, Aaron J. Fleischman, Edward Benzel and Lisa Ferrara, of Cleveland, County of Cuyahoga, and State of Ohio; of University Heights County of Cuyahoga, and State of Ohio; of Gates Mills, County of Cuyahoga, and State of Ohio; and of Cleveland Heights, County of Cuyahoga, and State of Ohio, respectively, have made new and useful improvements in **APPARATUS AND METHOD FOR ASSESSING LOADS ON ADJACENT BONES** (CCF Project File No. 99326);

WHEREAS, The Cleveland Clinic Foundation (hereinafter "CCF"), a tax-exempt organization duly organized and existing under the laws of the State of Ohio, having a place of business at Cleveland, County of Cuyahoga, State of Ohio, is desirous of acquiring the entire right, title and interest in and to the said improvements and all patents therefor to be obtained in the United States of America and countries foreign to the United States;

NOW THEREFORE, BE IT KNOWN that, pursuant to CCF's Invention and Discovery Policy as specified in the CCF "Yellow Book" as of this date and for valuable considerations to us paid, the receipt whereof is hereby acknowledged, we, the said Shuvo Roy, Aaron J. Fleischman, Edward Benzel, and Lisa Ferrara, do hereby assign, sell and set over unto the said CCF, its successors or assigns, the entire right, title and interest in and to the said improvements and any and all inventions pertaining thereto, the application for United States patent executed by us respectively on the 12 day of October 2001, 16 day of October 2001, 30 day of October 2001, and the 26 day of October 2001, all patents therefor in the United States of America and elsewhere, and the right to apply for patents therefor in all countries foreign to the United States and to claim for such applications the priority of United States applications, and we hereby request the Commissioner of Patents of the United States, and any official of any country or countries foreign to the United States whose duty it is to issue patents, to issue such patents to the said CCF, its successors or assigns; and we further agree to execute such other applications and other instruments and do all other acts as may be deemed necessary by the said CCF, its successors or assigns in order to fully secure, protect and preserve its rights to the said improvements and to obtain patents therefor in the United States of America and all countries foreign to the United States, all without further consideration but at the expense of the said CCF, its successors or assigns.

Signed at
County of _____ and State of _____
This 30th day of AUGUST, 2001.



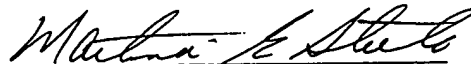
Shuvo Roy

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STATE OF Ohio)
COUNTY OF Cuyahoga)

SS:

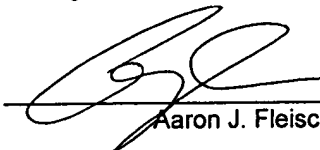
On this 30th day of Aug, 2001.
Personally appeared before me Shuvo Roy to me known to be the person named in
and who executed the above instrument, and acknowledged to me that he executed
the same for the uses and the purposes therein mentioned.



Notary Public
MARTINA E. STEELE
Notary Public, State of Ohio
Recorded in Cuyahoga Cty.
My Comm. Expires 09-29-02

Signed at
County of
This 30th

and State of
day of August, 2001.



Aaron J. Fleischman

STATE OF Ohio)
COUNTY OF Cuyahoga)

SS:

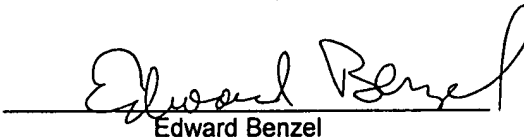
On this 30th day of Aug, 2001.
Personally appeared before me Aaron J. Fleischman to me known to be the person
named in and who executed the above instrument, and acknowledged to me that he
executed the same for the uses and the purposes therein mentioned.



Notary Public
MARTINA E. STEELE
Notary Public, State of Ohio
Recorded in Cuyahoga Cty.
My Comm. Expires 09-29-02

Signed at
County of
This 30th

and State of
day of AUGUST, 2001.




Edward Benzel

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STATE OF Ohio)
COUNTY OF Cuyahoga) SS:

On this 30th day of Aug, 2001.
Personally appeared before me Edward Benzel to me known to be the person named
in and who executed the above instrument, and acknowledged to me that he
executed the same for the uses and the purposes therein mentioned.

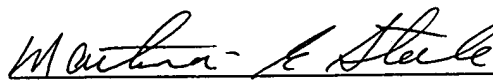
Signed at
County of _____ and State of _____
This 30th day of August, 2001.


Notary Public
MARTINA E. STEELE
Notary Public, State of Ohio
Recorded in Cuyahoga Cty.
My Comm. Expires 09-29-02


Lisa Ferrara

STATE OF Ohio)
COUNTY OF Cuyahoga) SS:

On this 30th day of Aug., 2001.
Personally appeared before me Lisa Ferrara to me known to be the person named in
and who executed the above instrument, and acknowledged to me that she executed
the same for the uses and the purposes therein mentioned.


Notary Public
MARTINA E. STEELE
Notary Public, State of Ohio
Recorded in Cuyahoga Cty.
My Comm. Expires 09-29-02

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